

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

REENA S. MATHEW,
Plaintiff

v.

SANTANDER CONSUMER USA INC.,
Defendant

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Civil Action No. 3:23-cv-01494-N

**APPENDIX SUPPORTING PLAINTIFF'S RESPONSE
TO DEFENDANT'S MOTION IN LIMINE**

<u>Page(s)</u>	<u>Description</u>
2-3	EEOC Determination (dated February 14, 2022).
4-8	Emails showing involvement of the legal team.

Respectfully submitted,

/s/ Donald E. Uloth
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Texas Bar No. 20374200
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that on February 7, 2025 I am filing this motion electronically using the Court's ECF filing system, which will email a file-marked copy of this motion to all counsel of record.

/s/ Donald E. Uloth
Donald E. Uloth



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Dallas District Office

207 S. Houston Street, 3rd Floor
Dallas, TX 75202-4726

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FAX: (214) 253-2720

Website: www.eeoc.gov

Dallas District Office
San Antonio Field Office
El Paso Area Office

February 14, 2022

EEOC Charge No. 450-2016-02634

Reena Mathew
1355 Valley Vista Drive
Irving, TX 75063

CHARGING PARTY

Santander Consumer USA, Inc.
c/o Monte K. Hurst, Partner
Hallett & Perrin, P.C.
1445 Ross Avenue, Suite 2400
Dallas, TX 75202

RESPONDENT

DETERMINATION

Under the authority vested in me by the Commission, I issue the following determination as to the merits of the subject charge filed under Title VII of the Civil Rights Act of 1964, as amended ("Title VII").

All requirements for coverage have been met. Respondent is an employer within the meaning of Title VII, and the timeliness and all other jurisdictional requirements for coverage are satisfied.

Charging Party claims that she was subjected to different terms and conditions of employment and discharged because of her sex: female and pregnancy. Charging Party also contends that she was subjected to different terms and conditions of employment and discharged in retaliation for her complaints about discrimination.

During the investigation, the parties were afforded an opportunity to offer evidence in support of their respective positions. The evidence shows that Charging Party joined Respondent in January 2011. Yessica Adriano (Perez) became Charging Party's manager on September 1, 2015. Prior to being under the supervision of Ms. Perez, Charging Party received positive performance reviews from her previous supervisor, Angelina Hullum, with Ms. Hullum giving Charging Party a positive mid-year review. Charging Party received positive feedback from internal and external stakeholders, including a positive comment from Ms. Perez as late as October 23, 2015, for a "job well done," related to a project Charging Party had completed. On or around October 30,

2015, Charging Party verbally informed Ms. Perez of her pregnancy. On December 1, 2015, Charging Party was placed on 30-day Performance Improvement Plan (PIP), which was subsequently removed after Charging Party informed Respondent it would be tough to accomplish. It was determined that a 90-day PIP would be more appropriate, which was to start on January 15, 2016. Ms. Perez completed Charging Party's 2015 Annual Performance Review on February 11, 2016, where Charging Party was rated overall as "Consistently Met Expectations." On April 19, 2016, Stephanie Elad, Director, and Ms. Perez met with Charging Party to inform her that her employment with Santander was terminated because of her ongoing performance issues.

Based on this evidence, the Commission finds that there is reasonable cause to believe that Charging Party was discriminated against because of her sex (pregnancy) when Respondent discharged her from her position.

The Commission issues no finding, at this time, in connection with Charging Party's remaining claims of sex discrimination (female) and retaliation under Title VII.

Upon finding that there is reason to believe that violations have occurred, the Commission attempts to eliminate the alleged unlawful practices by informal methods of conciliation (i.e., settlement). Therefore, the Commission now invites the parties to join with it in reaching a just resolution of this matter. If you wish to participate in conciliation, please email kelly.melton@eeoc.gov, within 10 days from the date of this Letter of Determination.

When the Respondent declines to enter into conciliation discussions, or when the Commission's representative for any reason is unable to secure a settlement acceptable to the Commission, the Commission shall so inform the parties in writing and advise them of the court enforcement alternative available to the Charging Party, aggrieved persons and the Commission. The confidentiality provisions of the statute and Commission Regulations apply to information discussed or given during conciliation.

You are reminded that Federal Law prohibits retaliation against persons who exercised their rights to inquire or complain about matters they believe may violate the law. Discrimination against persons who have cooperated in Commission investigations is also prohibited. These protections apply regardless of the Commission's determination on the merits of the charge.

On Behalf of the Commission:

DEIDRA
HENRY

Digitally signed by
DEIDRA HENRY
Date: 2022.02.14
13:50:53 -06'00'

For Linda Sales-Long
Acting District Director

From: Yessica Adriano <YADRIANO@santanderconsumerusa.com>

To: Catessa Malone <cnmalone@santanderconsumerusa.com>

Subject: RE: Reena 90 Day Action Plan

Date: Wed, 24 Feb 2016 15:54:36 +0000

Importance: Normal

Yes please, that way if they have any revisions I can incorporate.

Thanks

From: Catessa Malone

Sent: Wednesday, February 24, 2016 9:53 AM

To: Yessica Adriano

Subject: RE: Reena 90 Day Action Plan

Would you like for our outside counsel to review this?

From: Yessica Adriano

Sent: Tuesday, February 23, 2016 6:27 PM

To: Catessa Malone

Subject: Reena 90 Day Action Plan

Catessa,

Attached is Reena's 90 day action plan, at the end of the document I have added a formal 30 day review that highlights the points that I will be discussing with her this Friday, February 26 at 2 pm. I will be also providing a hard copy of this to her.

May you please have this document reviewed and any feedback needed sent back to me no later than noon on Friday.

Thank you,

Yessica Adriano, SPHR, SHRM-SCP

Santander Consumer USA Inc.

Manager Human Resources

PHONE 214.722.5667

MOBILE 214.215.5258

EMAIL yadriano@santanderconsumerusa.com

WEB www.santanderconsumerusa.com

From: Holly Hanes <hhanes@santanderconsumerusa.com>

To: Yessica Adriano <YADRIANO@santanderconsumerusa.com>, Stephanie Elad <selad@santanderconsumerusa.com>

Subject: RE: Recap of Meeting

Date: Mon, 21 Mar 2016 20:39:32 +0000

Importance: Normal

That works. Just let me know when you are available. Thanks!

Holly Hanes

Santander Consumer USA Inc.
HR Operational Analyst III

PHONE 972.761.1039
FAX 972.759.5330
EMAIL hhanes@santanderconsumerusa.com
WEB www.santanderconsumerusa.com

From: Yessica Adriano
Sent: Monday, March 21, 2016 3:03 PM
To: Stephanie Elad; Holly Hanes
Subject: RE: Recap of Meeting

Jumping into interview now, im not available until after 4 pm.

thanks

From: Stephanie Elad
Sent: Monday, March 21, 2016 3:02 PM
To: Holly Hanes <hhanes@santanderconsumerusa.com>; Yessica Adriano <YADRIANO@santanderconsumerusa.com>
Subject: RE: Recap of Meeting

When are you thinking?

From: Holly Hanes
Sent: Monday, March 21, 2016 2:54 PM
To: Yessica Adriano
Cc: Stephanie Elad
Subject: RE: Recap of Meeting

Thanks Yessica. Are you and Stephanie available for a quick call with the attorneys?

Holly Hanes

Santander Consumer USA Inc.
HR Operational Analyst III

PHONE 972.761.1039
FAX 972.759.5330

From: Yessica Adriano
Sent: Monday, March 21, 2016 9:02 AM
To: Holly Hanes
Cc: Stephanie Elad
Subject: FW: Recap of Meeting

Hi Holly,

Below is the recap we will be sending back, my comments are highlighted in blue.

Thanks

From: Reena Mathew <rmathew@santanderconsumerusa.com>
Date: March 8, 2016 at 3:58:02 PM CST
To: Yessica Adriano <YADRIANO@santanderconsumerusa.com>
Subject: Recap of Meeting

Hi Yessica,

Here is a recap of what we discussed today.

You asked me how things were going from my perspective—I said they were good so far and felt like you and I were working well together. I feel as though things are more clear on my end and I know what's expected of me. No issues so far.

Attendance—This has been going well; I've been giving enough notification for time off and to continue to do so. You also thanked me for scheduling appointments on WFH days.

Yes agreed.

Time Management—Been good here-if there has been additional time that I've been needing, I've been giving enough notice of that (a day extra etc). Last week Sabrina was out and we worked together and everyone jumped in to knock out the inbox and you said thank you for that. Investigation Summary—overall good—one additional item needed—don't forget recap and if there are DA's, specify what type of DA's they were (call model vs. attendance) and if there was a call that you had to listen to etc. so we have a breakdown of exactly what type of DA's we're drafting. Yes thank you for your help with admin tasks, I also asked for specifics on your weekly recap that specified the investigations (names) and the type of DA's conducted.

Consulting—I've been touching base regarding decisions that had to be made—continue to do so. One thing you all would like to see is for me to make decisions so more of discussing thoughts regarding allegations at the beginning and then follow up with recommendation at the end of investigation. Would like to see me make more of the decisions vs. consulting with Manager to see if she agrees with recommendation along the way. I stated I don't have a problem doing that (I also stated that I disagree that I am touching base often per Stephanie), but during this time I would rather not because to me it may backfire and I don't feel comfortable in doing so. I would definitely be more than willing to strive to get there at some point if that is the direction we are headed with HRBP's and investigations. Obviously escalated issues would need more interaction between the Manager and HRBP.

Today, you consult with me (your manager) as issues arise in investigations or day to day, we would like to see you make more of these decisions on your own. I provided an example: during an investigation I consult with my manager

and we discuss an action plan, during its execution different issues arise such as the need to investigate more people, another item unveiled, etc., I make judgment calls on next steps and review back with my manager at the end of the investigation with its final recommendation and then review additional steps that were taken and why. We stated we understood your hesitation, however the end result would be for you to make independent decisions as an HRBP (consultant) and refer to me for escalated issues.

You all stated that I am more where I need to be as an HRBP.

Let me know if you need anything else.

Thanks,
Reena

Reena Mathew, PHR

Santander Consumer USA Inc.
HR Business Partner

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From: Yessica Adriano <YADRIANO@santanderconsumerusa.com>

To: Holly Hanes <hhanes@santanderconsumerusa.com>

Subject: FW: Rev. Reena 90 Day Action Plan - 90 Day Check In

Date: Thu, 14 Apr 2016 15:18:35 +0000

Importance: Normal

Attachments: Rev._Reena_90_Day_Action_Plan_-_90_Day_Check_In.docx

Holly,

Attached is our revised document. We only made edits to the bottom portion under *90 day followup*, may you please have our legal team review.

Thanks
Yessica